



06-29-06

DAC

Express Mail No.: EV452776538US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Jerome B. Zeldis

Confirmation No.: 5112

Serial No.: 09/734,460

Art Unit: 1615

Filed: December 11, 2000

Examiner: Azpuru, Carlos A.

For: METHODS AND COMPOSITIONS FOR THE
PREVENTION AND TREATMENT OF
ATHEROSCLEROSIS, RESTENOSIS AND
RELATED DISORDERAttorney 9516-018-999
Docket No.: (CAM:
501872-999017)**PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b)**Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Applicant respectfully petitions to revive the above-identified application under 37 C.F.R. § 1.137(b) on the ground that the application was abandoned unintentionally.

Applicant petitions to revive the application, which is believed to be abandoned for failing to pay issue fee and publication fee within February 27, 2006, the time set forth on a Notice of Allowance and Fee(s) due mailed on November 25, 2005.

The relevant facts are set forth below. On June 27, 2006, the attorney of record received a call from the Examiner Azpuru and a Notice of Abandonment was received on the ground that no payment of issue fee and publication fee was received. The Examiner explained over the phone that there was not sufficient money in Jones Day Deposit Account No. 50-3013. However, on January 10, 2006, the attorney of record filed Fee Submittal with the provisions for applying the fees to the application above-identified and authorizing the USPTO to charge to Jones Day Deposit Account No. 50-3013. As seen in the attached Monthly Statement of Deposit Account, there was balance over \$500,000 in the account as of January 10, 2006, which can be withdrawn for the payment of \$1,700 of issue fee and publication fee in the above-identified application.

In support of this Petition, Applicant submits herewith the following documents:

1. the fax of the Notice of Abandonment;
2. Fee Submittal and post card filed on January 10, 2006; and


3. Monthly Statement of Deposit Account No. 50-3013 as of
January 10, 2006.

In light of the foregoing remarks and documentation, the application was abandoned for unintentionally failing to respond within the time set forth on the Notice. Applicant respectfully requests that \$1,700 of the issue fee and publication fee be charged to Deposit Account No. 50-3013, that the application be revived, and that a patent be issued.

Please charge any required fee to Jones Day Deposit Account No. 50-3013 for this submission. A duplicate of this sheet is attached. If any issues remain, it is requested that the undersigned be contacted at (212) 326-3778.

Date: June 27, 2006

Respectfully submitted,



Yeah-Sil Moon
For Anthony M. Insogna

(Reg. No. 52,042)
(Reg. No. 35,203)

JONES DAY
222 East 41st Street
New York, NY 10017
Tel. (212) 326-3778



U.S. Patent & Trademark Office, AU 1615, 571-272-0588

Carlos Azpuru**Fax****To:** Yeah-Sil Moon**From:** Carlos Azpuru**Fax:** 212 -755-7308**Pages:** 42**Phone:** 212-326-3778**Date:** 06/27/006**Re:** Issue Fee Insufficient funds and abandonment**CC:**☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**• **Comments:****Please Note:**

**Notice of Abandonment**

Application No.

09/734,460

Examiner

Carlos A. Azpuru

Applicant(s)

ZELDIS, JEROME B.

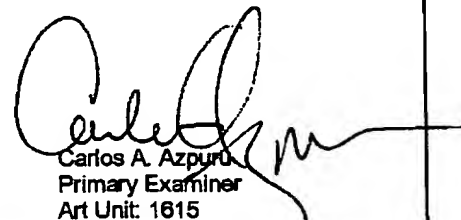
Art Unit

1815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☒ The submitted fee of \$1,700.00 is insufficient. A balance of \$1,700.00 is due.
The issue fee required by 37 CFR 1.18 is \$1,400.00. The publication fee, if required by 37 CFR 1.18(d), is \$300.00.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


 Carlos A. Azpuru
 Primary Examiner
 Art Unit: 1815

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Express Mail No.: EV475142167US

Date Mailed: January 10, 2006

Serial No.: 09/734,460

Filed: December 11, 2000

Inventor: JEROME B. ZELDJS

For: METHODS AND COMPOSITIONS FOR THE PREVENTION AND TREATMENT OF
ATHEROSCLEROSIS, RESTINOSIS AND RELATED DISORDERS

*The stamp of the Patent Office hereon may be taken as an acknowledgment of the
date stamped of the following:*

(X) Fee Transmittal (in duplicate)

File No. 9516-018-999

Sender: AMI/YSM

Cam No.: 501872-999017

1606901.1



PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
(571) 273-2885

or **Ex**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESSES (New: Use Block 1 for any change of address)

20583 7590 11/25/2005
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/734,460 | 12/11/2000 | Jerome B. Zeldis | 9516-018 | 5112 |

TITLE OF INVENTION: METHODS AND COMPOSITIONS FOR THE PREVENTION AND TREATMENT OF ATHEROSCLEROSIS, RESTENOSIS AND RELATED DISORDERS

| APPL. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEES DUE | DATE DUE |
|------------------|--------------|----------------|-----------------|----------------|------------|
| nonprovisional | YES No | 4700 \$4400 | 5300 | 9100 \$1700 | 02/27/2006 |
| EXAMINER | ART UNIT | CLASS-SUBCLASS | | | |
| AZPURU, CARLOS A | 1615 | 424-422000 | | | |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" Indication (or "Fee Address" Indication form PTO/SB/47, Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent from page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Celgene Corporation

Summit, New Jersey

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☒ Advances Order - # of Copies 3

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 52-3613 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☒ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(b)(7).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Yehshil Moon

Date Jan. 10, 2006

Typed or printed name Yehshil Moon for Anthony H. Ingram

Registration No. 52,062

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PTOL-85 (Rev. 07/05) Approved for use through 04/30/2007.

OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT

S00001358



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| 1-31-06 |
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| 6 |

PLEASE SEND REMITTANCES TO:
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| DATE POSTED | | | CONTROL NO. | DESCRIPTION (Serial, Patent, TM, Order) | DOCKET NO. | FEE CODE | CHARGES/ CREDITS | BALANCE |
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| AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT | | | | | OPENING BALANCE | TOTAL CHARGES | TOTAL CREDITS | CLOSING BALANCE |



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| DATE POSTED | | | CONTROL NO. | DESCRIPTION (Serial, Patent, TM, Order) | DOCKET NO. | FEE CODE | CHARGES/ CREDITS | BALANCE |
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| 1 | 12 | 06 | 12 | 10529519 | 10103-015-999 (CAM:052922 | 2633 | 100.00 | 490325.38 |
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| AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT | | | | | OPENING BALANCE | TOTAL CHARGES | TOTAL CREDITS | CLOSING BALANCE |